



Idaho's Citizen Commission for Reapportionment

Capitol Building
700 W. Jefferson Street
Boise, ID 83720-0054

Phone: (208) 334-4740
E-mail: redistricting@redistricting.idaho.gov
Web site: www.redistricting.idaho.gov

Public Meeting
Monday, August 1, 2011
Capitol Auditorium, Capitol Building
10:00 a.m.

Present were: **Commissioner Esposito, Commissioner Finman, Commissioner Frasure, Commissioner Andersen, Commissioner Kane, and Commissioner Moses.** Present from the staff were **Mr. Keith Bybee, Ms. Kristin Ford, Mr. Todd Cutler, and Cyd Gaudet.** Present from the Attorney General's office were **Mr. Brian Kane and Ms. Mooney.**

Chairman Andersen called the meeting to order and said that he thinks the commission has an opportunity to spend some days in preparation, and that he was looking forward to see what they could accomplish today. He then said that he would propose that the commission approve the minutes for July 15th, July 18th and July 19th.

Commissioner Frasure then made a motion to approve these three sets of minutes. As there were no objections, the minutes were approved as printed.

Chairman Andersen then moved on to the calendar and indicated that they now had a copy of the calendar for August and September. He asked that the commissioners look these over and see if there were any changes that needed to be made. **Commissioner Esposito** then indicated that he had resolved his conflict on August 29th, so he would be available for that entire day. As there were no other adjustments needed, **Chairman Andersen** indicated that they would proceed with the schedule they had so far. **Commissioner Kane** then asked about meeting on Friday and Saturday of this week, as she needed to make travel arrangements. She indicated that **Commissioner Esposito** was going to determine if he was available in the morning or afternoon of those days. **Commissioner Esposito** apologized for the confusion and said that he had been referring to the 29th. He then indicated that he would be available on Friday and had also determined that he would be available on Saturday, if necessary. **Chairman Andersen** then advised that he would leave the times and days as printed on the calendar and then take a look at them on Tuesday. He then confirmed that the commission has to give two days notice on their agendas. **Commissioner Moses** then asked for clarification on the schedule. He indicated that the commission was meeting through Wednesday, then would not have a meeting on Thursday, and would then meet on Friday afternoon and Saturday. **Chairman Andersen** confirmed that is how it is presently scheduled. **Commissioner Frasure** then asked if there was still a problem with meeting on Friday morning, and **Commissioner Moses** indicated that he has a personal matter that he needs to attend to on Friday morning. **Chairman Andersen** then noted that the calendar would stay as printed, with the one change on the 29th, which was going from a half day to a full day.

Chairman Andersen then indicated that the next item of business would be to review the additional legislative plans which had come in on Maptitude.

The commission then reviewed L#32. **Commissioner Finman** asked for the dialogue on the plan and who it was from. While **Mr. Cutler** was pulling up that information, **Commissioner Moses** asked what the overall deviation for the plan was. It was determined that the deviation was 8.78%. **Mr. Cutler** then read the comments which stated *Twin Falls and Caldwell has split discontinuous precincts to create contiguous legislative districts. All legislative districts in this plan are contiguous. Some precincts were split to keep the Fort Hall and the Nez Perce Indian reservations intact. Power and Caribou counties were split to accommodate keeping the Fort Hall Indian reservation intact as*

well. The precincts that were split for the Indian reservation follow the reservations borders. The counties that were split are Bonner, Kootenai, Latah, Nez Perce, Ada, Canyon, Twin Falls, Power, Bingham, Bannock, Caribou, Bonneville, and Freemont. **Mr. Bybee** then indicated that this map had been submitted by Chris Pentico, from Mountain Home. **Chairman Andersen** indicated that this map splits Bingham, Power, and Bannock Counties. **Commissioner Moses** indicated that it looks like it splits Caribou County also. It was also discussed that Bingham County was divided into four districts in this plan.

Next to be reviewed was L#33 which **Mr. Cutler** indicated was very similar to L#32, with a few minor changes. He also noted that it was submitted by the same person. The overall deviation on this plan was 8.78%. There was some discussion as to what the differences were in these two maps. **Mr. Cutler** indicated that he did not know what the differences were, he then noted that the comments stated *this plan keeps the Indian reservations intact. I tried to use the existing legislative districts as a guide to create this map.* **Chairman Andersen** noted that in reviewing the map he did not see what the differences were, and that it appeared to be fairly close to L#32. {Commissioner Frasure later noted that he believed the only difference in these two plans was the narrative at the bottom.}

L#19 was reviewed next. It was noted that this plan had a 55% total deviation, however **Mr. Cutler** indicated that it was an Ada County only map. **Commissioner Frasure** indicated that this map looked incredibly close to L#28; however upon further review he indicated that there were quite a few differences.

The commission then reviewed L#31, which was an Ada County plan with 8 districts.

Commissioner Moses then indicated that he wanted to enter into the record that for L#28 an errata package had been passed out to the commissioners, the staff, and the press. He indicated that it did not alter any of the lines; however it did change some of the narrative about the districts.

Chairman Andersen then asked if **Commissioner Esposito** was ready to present his plan. **Commissioner Esposito** said that he was ready; however he indicated that the staff was working on some inserts for the binders. He noted that they should be available before he completed his presentation, however if they were not he would then like to request a recess until were ready. He then stated that this is the legislative plan that they have spent considerable time and effort in preparing. He indicated that it has a deviation of 7.64% and that he believes that it meets all of the constitutional, statutory, and court cases that have acted as guidelines. He stated that there are no split precincts on the map, and as there are no road disconnects they meet the statute on connecting roads. He said that they did split 11 counties as a result of the road requirement. He said that they tried to maximize (*sic.*) the deviation as much as possible to get the one person= one vote down to the best possible number.

He then started at the top of state with District 1. He said that due to the change in population they moved the district one boundary south. **Commissioner Moses** then asked if this map was on the website. **Mr. Cutler** indicated that the plan was in the library, and that it would be on the website as soon as the meeting concluded.

Commissioner Esposito then noted that with the boundary between District 2 and District 1, as they would find with all of their districts, was that they tried to follow the public testimony as much as possible, so the boundary lines are a reflection of the testimony. He said that a good example of that were the people around the lake, where they had quite a bit of testimony. The people in that area had previously been in the little "c" district, and had asked to be included with the rest of Bonner and Boundary County.

He stated that in District 2 they were looking to keep the districts as compact as possible in achieving the deviation.

In District 3, he said that in hearing the testimony, and trying to follow that as closely as possible, they kept the City of Coeur d'Alene as intact as possible.

He indicated that the formulation for District 4 came from the testimony in that area, as well as looking for compactness, and keeping and communities of interest together.

He said that in District 5 they kept as much of the Coeur d'Alene Reservation together as possible. He also indicated that in Shoshone and Benewah County they had heard quite a bit of testimony about keeping them together. Additionally the folks in rural Latah County had indicated that their rural interests more closely coincided with Benewah and to the north, as opposed to Moscow, or to the south or to the east.

He indicated that in District 6 they had combined Moscow and Lewiston, for the most part, together into one district. He said that there was quite a bit of testimony at the Moscow and Lewiston hearings for this combination. He noted that this combination actually helped them meet all of the road criteria as well as communities of interest and deviation.

Commissioner Esposito indicted that for District 7; once again at the Lewiston hearing, they received overwhelming testimony for this configuration that puts Idaho, Clearwater, Lewis, and part of Nez Perce Counties together. He indicated that for the most part the Nez Perce Reservation is wholly intact, and that it meets all of the road criteria, communities of interest and deviations.

District 8 he indicated again meets the road criteria, and those communities of interest. He stated that they were also able to maintain the deviation with the configuration for District 8.

In District 9 are Valley, Gem, and Boise Counties, along with the foothills area off of Highway 21 running north- west through Boise.

He stated that Owyhee County is fully within District 10. He said that here they ran into one of the classic problems which they have been faced with in putting these maps together. He stated that as Canyon County's new clerk clearly said that they definitely had problems with their precincts, to which **Commissioner Esposito** retorted he was a master of understatement. **Commissioner Esposito** indicated that due to that it really forced them to put together some somewhat ugly districts. He noted that the other thing they took into consideration for District 10 was the heavy testimony from Owyhee County who said they did not want to be paired with the urban areas of Canyon County, and that they preferred to go east with their district. He indicated that in trying to go with connecting roads, and the deviation, this did not turn out to be possible so they paired them as much as possible with Canyon County. He indicated that this was an overwhelming rural district, although they did dip a little into the City of Caldwell; however this was just a function of the terrible precinct lines where they did not split any precincts.

Commissioner Esposito indicated that District 11 is not a great looking district; however it is a victim of Canyon County's precincts.

He indicated that District 12 keeps a portion of the City of Nampa whole.

District 13 runs along the eastern Canyon County boundary and dips into the City of Nampa, to pick up parts of Nampa and Middleton.

District 14 is pretty much the city of Eagle and northwest Boise. He indicated that precinct 9 is a part of the city of Eagle where Eagle comes up to the bench and up to Highway 21.

District 15 is the City of Meridian for the most part.

District 16 includes west Boise and part of Garden City.

District 17 includes Garden City and downtown Boise.

District 18 takes the additional part of west Boise, down south to the freeway, and then an area bounded by the connector and the interstate.

District 19 includes a part of the downtown/BSU area and the bench area of Boise.

District 20 takes the balance of Meridian and into their area of impact south of the freeway, and dips a little into the Boise area of impact.

District 21 is a large district and goes from the Elmore County line into Canyon County and north across the interstate. **Commissioner Esposito** indicated that because of the way the precinct lines are drawn, it takes a portion of Meridian, and puts Kuna, Melba, the rural western Ada County, southwest Ada County, and southeast Canyon County together. He indicated that they thought that this made sense from a community of interest standpoint.

District 22 is southeast Boise, and runs along the interstate over to the Elmore county line.

In District 23 they combined all of Elmore County, all of Gooding County, and a portion of Twin Falls County. He said that here they had all of the road connectivity, and that they maintained the communities of interest the best they could.

Commissioner Esposito then commented that in the City of Twin Falls and Twin Falls County, that Canyon County had met its match in terms of ugly precinct lines. He indicated that part of the way that these maps look in this area is a direct result of the lack of clean up on the part of counties. However he said that they felt it was important to adhere to not splitting precincts, and the road connectivity, due to the number of votes needed to do that. At this juncture, he said that they made the precincts work within what they were trying to accomplish, which was deviation, connectivity with roads, and trying to get things as compact as possible under the circumstances.

District 25 is basically Jerome County, and also the Buhl area of Twin Falls County. He indicated that road connectivity and communities of interest were the best they could when working with what they had.

District 26 is Cassia and Minidoka, and takes Hansen and Murtaugh precincts, out of Twin Falls, to get to the right population deviation, and in trying to keep districts as compact as possible.

District 27 is Power County and part of Bannock County, and keeps the reservation intact for the most part in that district. **Commissioner Frasure** then commented that they are approaching 100% in both the Nez Perce and the Coeur d'Alene Reservations, and in the Bannock Reservation that they are at 96% of the Native American population in one district. He said that in Power County there are 8,000 people and the total Native American population is 179. He said that 96% live in either Bannock or Bingham County.

Commissioner Esposito then indicated that District 28, for the most part, is compromised of the infamous District 31. He said that this was their way of cleaning up District 31 and making it work so that there is road connectivity.

District 29 includes parts of Bannock and Bingham Counties and combines those.

District 30 takes parts of Bingham and Bonneville and combines those.

District 31 includes the major part of the City of Idaho Falls.

Dist 32 combines Jefferson and part of Bonneville County.

District 33 combines part of Bonneville, Teton, and Freemont Counties.

District 34 takes Madison and a portion of Freemont County.

District 35 includes Lincoln, Camas, Blaine, Custer, Lemhi, Butte, and Clark, and combines them into one district.

Commissioner Esposito then did a brief recap. He said that this plan was in response to a challenge that **Commissioner Frasure** gave to him one evening. He said as they were talking **Commissioner Frasure** indicated that he didn't think they could get down to a deviation, that would be in the 7% range, and still meet all of the other guidelines. **Commissioner Esposito** indicated that he decided to rise to the challenge. He said that he thinks that he's met that challenge, as well as also met all of the statutes, the constitutional rules, and the court rulings. He then indicated that as the staff had not delivered the last part of what he was going to present, he would request a recess for about 15 minutes. At that time he thought that he should be able to come back and wrap up his presentation in 10 or 15 minutes.

Chairman Andersen then called a recess until 11:15 a.m.

Chairman Andersen reconvened the commission and gave **Commissioner Esposito** the floor.

Commissioner Esposito then indicated that he put together a district review, which he had provided the commission a copy. He said that he thought it would be helpful to help illustrate the point that in his effort to follow the guidelines, listen to the public testimony, and doing this with a blind eye to some of the other realities, that there is a cost. He said that a price is paid by people who will ultimately, with whatever map they end up settling with, be living with and will need to run their races with. He indicated that this is why he asked the staff this morning to put this together. He said that this will probably be helpful for everyone, fellow commissioners, and also members of the media, and others, to be able to see how each of the districts shapes up. He indicated that what they had before them is three pages where they did a recap, by district, of what incumbent House members reside in each district.

He said that as you go down through this you will see that they have 2 per district through District 4, and then in District 5 they ended up with 5 house members; Marge Chadderdon, Shannon McMillan, Tom Trail, R. Harwood, and Representative Ringo. He indicated that this is going to make for some interesting primaries and general election races. The next one is District 9 where you have three House members, including a member of leadership, Ken Roberts. The next one is District 16 where you have Burgoyne, Black and Higgins, all in one district. In District 19 you have Killen, Chew and King. In District 23 there are Patrick, Wills, Nielsen, and Pence. In District 26 you have Bedke, Stevenson, and Wood. In District 28 there are Andrus, Gibbs, and Guthrie. In District 32 you have McGeachin, Wood, and Simpson. He also stated that he believed he mentioned as far as leadership with Ken Roberts, however you also have Representative Bedke, Representative Higgins, and Representative Killen in races.

He then went into the Senate where you have Senator Broadsword and Keough in District 1. In District 6 you have Senators Schmidt and Stegner. In District 11 there are Senator Lodge and Senator McGee. In District 16, Senator Andreason and Senator Bock. In District 23 you have Senator Bracken and Senator Corder. In District 26 you have Senator Cameron and Senator Darrington. And in District 30 you have Senator Bair and Senator Davis.

Commissioner Esposito then indicated that the summary that he has at the bottom of the report shows that in the House you have 17 Republican and 7 Democrats sharing a district with more than just 2 Representatives. In the Senate you have 11 Republicans and 2 Democrats. In Leadership you have 4 Republicans and 2 Democrats.

He indicated that the goal was to get to maximum deviation and follow all of the other guidelines so they end up at 7.64%. **Commissioner Esposito** then indicated that he was willing to stand for questions.

Commissioner Moses then indicated that clearly a lot of work went into this and that he would like to take some time to look at it, so that when they have questions they will be informed questions. **Commissioner Kane** then indicated that she would like to thank **Commissioner Esposito** for coming up with a plan; she said that she realized that it took a while, and was a lot of hard work, and she wanted him to know that she does appreciate it. **Chairman Andersen** indicated that having worked on their plan for a number of weeks, he could appreciate the dilemmas when faced with the limitations and the boundaries which they have, when they start drawing these maps. He said that he can appreciate the work that went into this, and the effort which he had made in pointing this information out to the commission.

Chairman Andersen then indicated if there was no further business at that time that he would like to adjourn until 2:00 on Tuesday. As there was no objection, the meeting was adjourned.